

ZB# 76-27

Fred & Marion Fayo

(no S-B-L given)

Jayo, Fred & Marion 76-27.

Public Hearing

11/22/76 - 8 p.m.

Notice sent to

Paper 10/26/76.

By.

Sent to Planning Bd. 11/17/76

file w/ T.C.

GENERAL RECEIPT

3090

Town of New Windsor, N. Y.

Dec 31, 1976

Received of Cavalari & La Rocca \$10.00

Ten and 00/100 Dollars

For Zoning 76-27 (Fred Fayo)

DISTRIBUTION:

| FUND | CODE | AMOUNT |
|-------|-------|--------|
| 10.00 | check | |
| | | |
| | | |

BY Charlotte M... ..

TITLE

WILLIAMSON LAW BOOK CO., ROCHESTER, N. Y. 14609

Application
Approved - Nov. 22, 1976
Patricia Ragenzky

LEGAL NOTICE
PUBLIC NOTICE OF HEARING
BEFORE THE ZONING BOARD
OF APPEALS
PLEASE TAKE NOTICE that the
Zoning Board of Appeals of the
TOWN OF NEW WINDSOR, New
York, will hold a public hearing pur-
suant to Section 48-33A of the Zoning
Ordinance on the following
proposition:
Appeal No. 27
Request of FRED FAYO, SR. &
MARION FAYO for a Variance of
the regulations of the New Windsor
Zoning Local Law, to permit a
proposed lot of 33,198 square feet
(undersized), being a Variance of
Section 48-12, Table of Bulk
Regulations, Part I, Residential
Districts, for property situated at
Mt. Airy Road, Town of New Wind-
sor, New York, across from Mt. Airy
Trailer Park.
SAID HEARING will take place on
the 22nd day of November, 1976, at
The New Windsor Municipal 555
Union Avenue, New Windsor, New
York, beginning at 8 o'clock P.M.
THEODORE JARGSTORFF
Chairman
By: Patricia Razansky, Secretary
Nov. 12

State of New York
County of Orange, ss:

Olga Trachewsky , being duly sworn deposes and
she she is Principal Clerk
says that she is of Newburgh-
Beacon News Co., Inc., Publisher of The Evening News,
a daily newspaper published and of general circulation in
the Counties of Orange and Dutchess, and that the notice
of which the annexed is a true copy was published
..... One Time
in said newspaper, commencing on the 12th day of
..... November A.D., 1976 , and ending on
the 12th day of November A.D., 1976

Subscribed and sworn to before me this
..... 22nd day of November 19 76

Olga Trachewsky
.....
Thelma Luckoff
.....
Notary Public of the State of New York, County of Orange.
MY COMMISSION EXPIRES MARCH 30, 1977

Public Hearing - 11/22/76 - Fred & Marion Fay

Spectators -

Names:

Addresses:

GEORGE P PIRNICK RD #2 MT. AIRY ROAD

HELEN T PIRNICK " " "

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

In the Matter of the Application of
FRED FAYO and MARION FAYO
for an area variance.

DECISION GRANTING
AREA VARIANCE

WHEREAS, FRED FAYO and MARION FAYO of Mt. Airy Road, Town of New Windsor, Orange County, New York have applied to the Zoning Board of Appeals for an area variance to permit use of an undersized lot located on Mt. Airy Road.

WHEREAS, the applicants seek a variance of 13,364 square feet; and

WHEREAS, notice of public hearing was duly sent to residences and businesses as prescribed by law, and published in The Evening News, also required by law; and

WHEREAS, a public hearing was held on the 22nd day of November, 1976; and

WHEREAS, FRED FAYO and MARION FAYO appeared with their proposal at the time of the public hearing on the above date; and

WHEREAS, the applicants were represented by Alfred F. Cavalari, Esq., attorney; and

WHEREAS, no opposition to this application was voiced by Mr. Pirmik, the sole spectator at this hearing; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The proposed request of 13,364 sq. feet for this undersized lot would not affect the general character of the neighborhood in the R4-A zone.

WHEREAS, the Zoning Board of Appeals makes the following determinations of law in this matter:

1. The variance sought is not substantial in relation to the legally required lot area.

NOW THEREFORE BE IT RESOLVED that the Zoning Board of Appeals of the Town of NewWindsor grant an area variance of 13,364 square feet as hereinabove requested to Fred and Marion Fayo.

BE IT FURTHER RESOLVED that the Secretary of the Zoning Board of Appeals is directed to forward a copy of this decision to the applicant, the Town Planning Board and the Town Clerk.

Dated: January 24, 1977.


THEODORE JARGSTORFF, Chairman

1
TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

76-27
(Number)

10/19/76
(Date)

I. Applicant information:

- (a) FRED FAYO Sr & MARION FAYO
(Name, address and phone of Applicant)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) CAVALARI & FARROW P.C. VALLE GATE
(Name, address and phone of attorney)
- (d) None
(Name, address and phone of broker)

II. Application type:

- Use variance
- Area variance
- Sign variance
- Special permit

III. Property information:

- (a) R4A MT AIRY RD 22 AC
(Zone) (Address) (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? NONE
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 1936
- (e) Has property been subdivided previously? YES When? AROUND 5 YRS AGO
- (f) Has property been subject of variance or special permit previously? NO When? _____
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? NO. If so, when _____
- (h) Is there any outside storage at the property now or is any proposed?

76-27
(Number)

10/19/76^E
(Date)

I. Applicant information:

- (a) FRED FAYO SR & MARION FAYO
(Name, address and phone of Applicant)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) CAVALARI & LAROCO P.C. VAILS GATE
(Name, address and phone of attorney)
- (d) None
(Name, address and phone of broker)

II. Application type:

- Use variance
- Area variance
- Sign variance
- Special permit

III. Property information:

- (a) R4A MT AIRY RD 22 AC
(Zone) (Address) (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? NONE
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 1936
- (e) Has property been subdivided previously? YES When? 5 YRS AGO
AROUND
- (f) Has property been subject of variance or special permit previously? NO When? _____
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? NO. If so, when _____
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail. NO

IV. Use variance:

(a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____, to allow

(Describe proposed use)

(b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____

| <u>Requirements</u> | <u>Proposed or Available</u> | <u>Variance Request</u> |
|-------------------------------|------------------------------|-------------------------|
| Min. Lot Area <u>1 ACRE</u> | <u>30196 sq ft</u> | <u>13364 sq feet</u> |
| Min. Lot Width _____ | _____ | _____ |
| Reqd. Front Yard _____ | _____ | _____ |
| Reqd. Side Yards <u>1</u> | <u>1</u> | <u>1</u> |
| Reqd. Rear Yard _____ | _____ | _____ |
| Reqd. Street Frontage* _____ | _____ | _____ |
| Max. Bldg. Hgt. _____ | _____ | _____ |
| Min. Floor Area* _____ | _____ | _____ |
| Development Coverage* _____ % | _____ % | _____ % |
| Floor Area Ratio** _____ | _____ | _____ |

* Residential districts only
** Non-residential districts only

(Describe proposed use)

(b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.



V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____

| <u>Requirements</u> | <u>Proposed or Available</u> | <u>Variance Request</u> |
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| Min. Lot Area | <u>1 ACRE</u> | <u>30196 sq ft</u> |
| Min. Lot Width | _____ | <u>13364 sq feet</u> |
| Reqd. Front Yard | _____ | _____ |
| Reqd. Side Yards | <u>1</u> | <u>1</u> |
| Reqd. Rear Yard | _____ | _____ |
| Reqd. Street Frontage* | _____ | _____ |
| Max. Bldg. Hgt. | _____ | _____ |
| Min. Floor Area* | _____ | _____ |
| Development Coverage* % | _____ % | _____ % |
| Floor Area Ratio** | _____ | _____ |

* Residential districts only

** Non-residential districts only

(b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you have made to alleviate the difficulty other than this application.

TO MAKE A ONE ACRE LOT WOULD ELIMINATE EXISTING ROAD, POSSIBLY REQUIRE USE OF MARSHY AREA AND WOULD BE CONTRARY TO ADVICE OF ENGINEER. PROPOSED LOT HAS EXISTING HOUSE BUILT 9 YRS AGO



VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____.

| | <u>Requirements</u> | <u>Proposed or Available</u> | <u>Variance Request</u> |
|--------|---------------------|------------------------------|-------------------------|
| Sign 1 | _____ | _____ | _____ |
| Sign 2 | _____ | _____ | _____ |
| Sign 3 | _____ | _____ | _____ |
| Sign 4 | _____ | _____ | _____ |
| Sign 5 | _____ | _____ | _____ |
| Total | _____ sq.ft. | _____ sq.ft. | _____ sq.ft. |

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

EXISTING HOUSE, LOT
AREA AND WOULD BE CONTRARY TO ADVICE
OF ENGINEER. PROPOSED LOT HAS EXISTING
HOUSE BUILT 9 YRS AGO

VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____.

| | <u>Requirements</u> | <u>Proposed or Available</u> | <u>Variance Request</u> |
|--------|---------------------|------------------------------|-------------------------|
| Sign 1 | _____ | _____ | _____ |
| Sign 2 | _____ | _____ | _____ |
| Sign 3 | _____ | _____ | _____ |
| Sign 4 | _____ | _____ | _____ |
| Sign 5 | _____ | _____ | _____ |
| Total | _____ sq.ft. | _____ sq.ft. | _____ sq.ft. |

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Special Permit:

(a) Special permit requested under New Windsor Zoning Local Law, Section _____, Table _____, Column _____.

(b) Describe in detail the use and structures proposed for the special permit.

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

IX. Attachments required:

- ___ Copy of letter of referral from Building and Zoning Inspector.
- ___ Copy of contract of sale, lease or franchise agreement.
- ___ Copy of tax map showing adjacent properties
- Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ___ Copy(ies) of sign(s) with dimensions.
- ___ Check in amount of \$10 payable to Town of New Windsor.
- ___ Check in the amount of \$_____ payable to Secretary for taking public hearing
- Photos of existing premises which show all present signs and landscaping.

(b) Describe in detail the use and structures proposed for the special permit.

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

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Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.

___ Copy(ies) of sign(s) with dimensions.

___ Check in amount of \$10 payable to Town of New Windsor.

___ Check in the amount of \$ payable to Secretary for taking public hearing

Photos of existing premises which show all present signs and landscaping.

All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper.

___ Other

555 Union Avenue
New Windsor, N. Y. 12550
November 16, 1976

Hank Van Leeuwen, Chairman
New Windsor Planning Board
555 Union Avenue
New Windsor, N. Y. 12550

RE: APPLICATION FOR VARIANCE OF FRED FAYO SR. and MARION FAYO

Dear Hank;

Kindly be advised that there is a public hearing scheduled on the above application for a variance on Monday evening, November 22, 1976 at 8 p.m.

I have enclosed a copy of the application together with public hearing notice which was published in ~~The~~ Evening News on November 12, 1976.

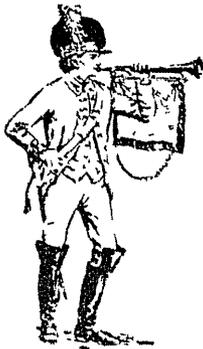
Very truly yours,

PATRICIA RAZANSKY, Secretary

/pr

Enclosure

cc: Howard Collett, Building Inspector



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

October 22, 1976

Mr. Alfred F. Cavalari
P.O. Box 276
Vails Gate, New York 12584

RE: 65-1-1.322
Fayo

Dear Mr. Cavalari:

According to my records, the attached list of property owners are within the five hundred (500) feet of the above mentioned property.

The charge for this service is \$15.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,

Ellsworth E Weyant
ELLSWORTH E. WEYANT
Sole Assessor
Town of New Windsor

EEW/pk
att.

*Pal
Ch # 132
10/25/76*

OCT 25 1976
ALFRED F. CAVALARI

OCT 25 1976
ALFRED F. CAVALARI



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

Pirnik, George & Helen
RD#2 Mt. Airy Road
New Windsor, New York 12550

Mante, Carl M. & Carol A.
RD#2 Mt. Airy Road
New Windsor, New York 12550

Sesame Estates, Inc.
27 Mountain Avenue
Monsey New York 10952

Doering, Walter A. & Marjorie H.
N. Drury Lane MD#32
Newburgh, New York 12550

Doering, Adolph F. & Kim A.
RD#2 Mt. Airy Road
New Windsor, New York 12550

Valdina, Michael B.
RD#2 Mt. Airy Road
New Windsor, New York 12550

Doering, Gerald A. & Catherine E.
RD#2 Mt. Airy Road
New Windsor, New York 12550

Milo, Clifford T.
RD#2 Mt. Airy Road
New Windsor, New York 12550

Gillick, Anna Est. Of.
RD#2 Mt. Airy Road
New Windsor, New York 12550

Mt. Airy Trailer Court Inc.
Box 324 RD#1
Walden, New York 12586

Buck, Fred E. & Jacqueline
RD#2 Mt. Airy Road
New Windsor, New York 12550

Bothwell, James W. & Karen M.
RD#2 Mt. Airy Road
New Windsor, New York 12550

Groh, Peter
RD#2 Mt. Airy Road
New Windsor, New York 12550

Lucas, Victor C.
RD#2 Bethlehem Road
New Windsor, New York 12550

Lucas, Victor C.
C/O Victor J. Lucas
RD#2 Mt. Airy Road
New Windsor, New York 12550

Couser, John P. & Mary C.
Box 394
Cornwall, New York 12518

Barton, Helen
RD#2 Mt. Airy Road
New Windsor, New York 12550

Moses, Ronald
2 Van Horn Circle
Beacon, New York 12508

Shuback, George S. & Anne
Box 476 Black Meadow Road
Chester, New York 10918

Decker, George J. & Barbara
RD#2 Mt. Airy Road
New Windsor, New York 12550

Hall, George & Barbara M.
RD#2 Mt. Airy Road
New Windsor, New York 12550

Earl, Edward & Donna
RD#2 Mt. Airy Road
New Windsor, New York 12550



OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

1763

Koppenhoefer, Cameron & Irmgarg
9 Metropolitan Oval
Bronx, New York 10462

Templeton, Roderick D. & Gladys A.
1540 Oak Creek Drive Apt. 212
Palo Alto, California 94304

Respectfully submitted,

A handwritten signature in cursive script that reads "Ellsworth E. Weyant".

ELLSWORTH E. WEXANT
Sole Assessor
Town of New Windsor

EEW/pk

PUBLIC NOTICE OF HEARING BEFORE
THE ZONING BOARD OF APPEALS

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a public hearing pursuant to Section 48-33A of the Zoning Ordinance on the following proposition:

Appeal No. 27

Request of FRED FAYO SR. & MARION FAYO

for a Variance of the regulations of the New Windsor Zoning Local Law, to permit a proposed lot of 30,196 square feet (undersized) being a Variance of Section 48-12 - Table of Bulk Regulations - Part I, Residential Districts, for property situated at: Mt. Airy Road, Town of New Windsor, New York, across from Mt. Airy Trailer Park.

SAID HEARING will take place on the 22nd day of November, 1976 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York, beginning at 8 o'clock P. M.

THEODORE JARGSTORFF,
Chairman

555 Union Avenue
New Windsor, N. Y.
October 26, 1976

Alfred F. Cavalari, Esq.
Cavalari & Larocca
P. O. Box 276
Vails Gate, N. Y. 12584

RE: FRED and MARION FAYO
Variance Application #76-27

Dear Mr. Cavalari:

In accordance with your letter of October 20, 1976, please be advised that the above public hearing is scheduled for Monday evening, November 22, 1976 at 8 p.m.

Enclosed herewith please find public hearing notice which I will deliver to The Evening News in time for publication.

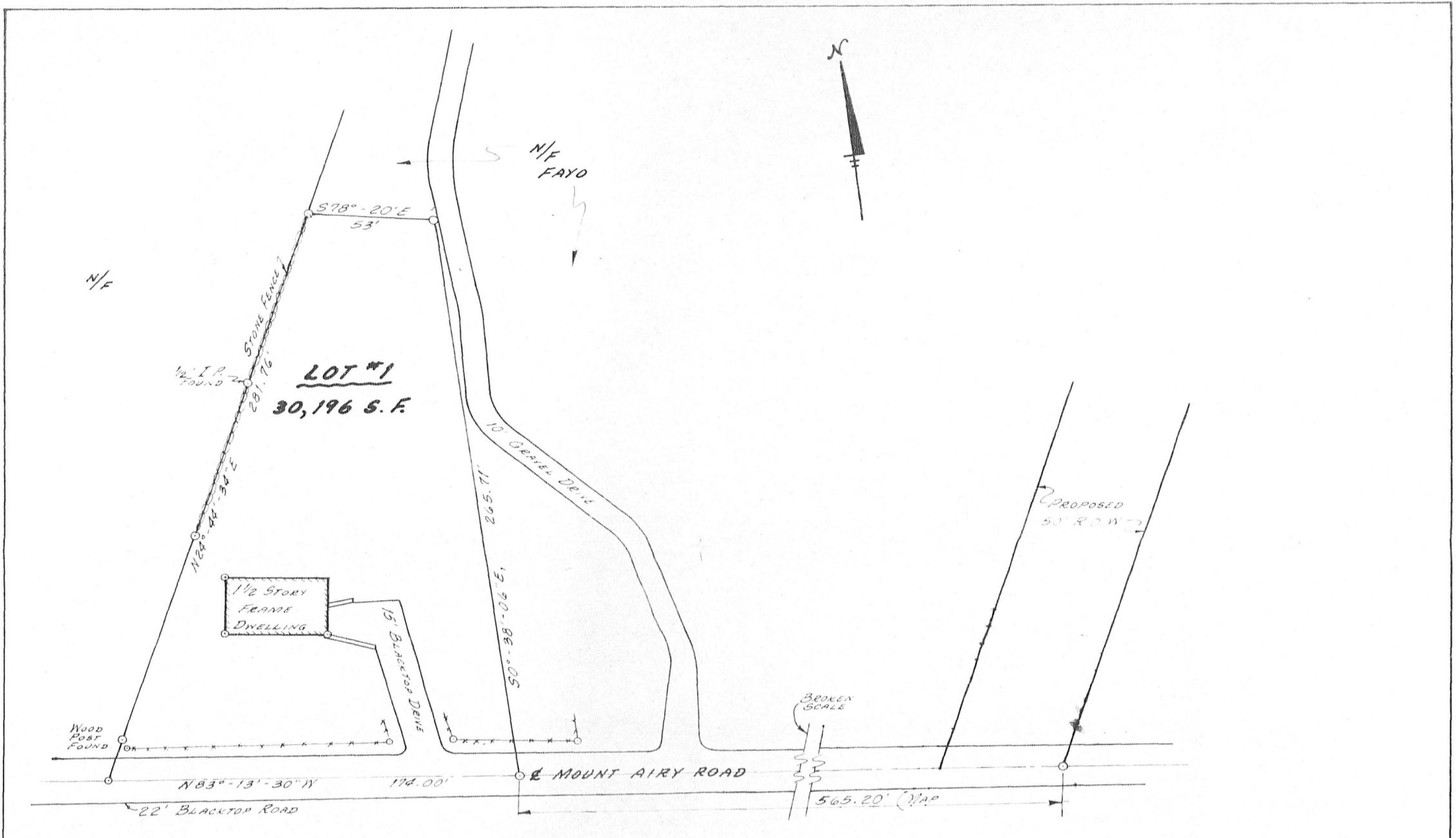
If you have any other questions concerning the above, please do not hesitate to call.

Very truly yours,

PATRICIA RAZANSKY,
ZBA Secretary

pr/

Enclosure



NOTE: PROPERTY BOUNDARIES TAKEN FROM
 A MAP ENTITLED:
 "PROPOSED SUBDIVISION OF LANDS
 OF FRED FAYO"
 BY THBO JARGSTORFF, L.S.
 AND DATED MAY 5, 1964

Proj. 76-27

| | |
|--|--------------------|
| LANDS OF FRED FAYO SR. | |
| MAP SHOWING SUBDIVISION OF SOUTHWEST CORNER LOT | |
| TOWN OF NEW WINDSOR, ORANGE CO., N. Y. | |
| D. F. FULLAM & ASSOC. | SCALE: 1" = 40' |
| POUGHKEEPSIE, N. Y. | 10/6/76 |